

**Changes to legislation:** Investigatory Powers Act 2016, Part 1 is up to date with all changes known to be in force on or before 30 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 10

#### MINOR AND CONSEQUENTIAL PROVISION

##### PART 1

##### GENERAL AMENDMENTS

###### *Police Act 1997*

- 1 In section 93(1A) of the Police Act 1997 (authorisations to interfere with property etc.) after “this Part” insert “ or the Investigatory Powers Act 2016 ”.

###### Commencement Information

- II** Sch. 10 para. 1 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

###### *Northern Ireland Act 1998*

- 2 In paragraph 9(1) of Schedule 3 to the Northern Ireland Act 1998 (reserved matters) for paragraph (a) substitute—
- “(a) the subject-matter of Parts 2 and 3 of the Regulation of Investigatory Powers Act 2000, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
  - (aa) the subject-matter of the following provisions of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of serious crime (within the meaning of that Act)—
    - (i) sections 3 to 10 and Schedule 1,
    - (ii) Part 2, and
    - (iii) Chapter 1 of Part 6;
  - (ab) the subject-matter of section 11, Parts 3 and 4 and Chapter 2 of Part 6 of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
  - (ac) the subject-matter of section 12 of, and Schedule 2 to, the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act);”.

###### Commencement Information

- I2** Sch. 10 para. 2 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

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### Regulation of Investigatory Powers Act 2000

3 The Regulation of Investigatory Powers Act 2000 is amended as follows.

#### Commencement Information

**I3** Sch. 10 para. 3 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

4 In section 27(4)(a) (lawful surveillance etc: conduct to be dealt with under other enactments) after “Act” insert “ or the Investigatory Powers Act 2016 ”.

#### Commencement Information

**I4** Sch. 10 para. 4 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(i)

5 (1) Section 71 (issue and revision of codes of practice) is amended as follows.

(2) In subsection (2)(a), for “Parts I to III” substitute “ Parts 2 and 3 ”.

(3) Omit subsection (2A).

(4) In subsection (8) for “(2A)” substitute “ (3) ”.

#### Commencement Information

**I5** Sch. 10 para. 5 in force at 27.12.2018 by S.I. 2018/940, reg. 5(a)

6 (1) Section 81(1) (general definitions) is amended as follows.

(2) For the definition of “apparatus” substitute—

““apparatus” has the same meaning as in the Investigatory Powers Act 2016 (see section 263(1) of that Act);”.

(3) In paragraph (a) of the definition of “communication” omit “(except in the definition of “postal service” in section 2(1))”.

(4) In the definition of “interception” and cognate expressions, for “section 2” substitute “ sections 4 and 5 of the Investigatory Powers Act 2016 ”.

(5) For the definitions of “postal service” and “public postal service” substitute—

““postal service” has the same meaning as in the Investigatory Powers Act 2016 (see section 262(7) of that Act);”.

(6) Omit the definitions of “private telecommunication system”, “public telecommunications service” and “public telecommunication system”.

(7) In the definitions of “telecommunication system” and “telecommunications service”, for “the meanings given by section 2(1)” substitute “ the same meanings as in the Investigatory Powers Act 2016 (see section 261(11) to (13) of that Act) ”.

#### Commencement Information

**I6** Sch. 10 para. 6(1)(2) in force at 5.2.2019 by S.I. 2019/174, reg. 2(p)(i)

**I7** Sch. 10 para. 6(3)(6)(7) in force at 27.12.2018 by S.I. 2018/940, reg. 5(b)

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- I18** Sch. 10 para. 6(4) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 12\(g\)\(ii\)\(aa\)](#)
- I19** Sch. 10 para. 6(4) in force at 22.7.2020 for specified purposes by [S.I. 2020/766](#), [reg. 2\(e\)\(i\)](#)
- I110** Sch. 10 para. 6(5) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 12\(g\)\(ii\)\(bb\)](#)
- I111** Sch. 10 para. 6(5) in force at 22.7.2020 for specified purposes by [S.I. 2020/766](#), [reg. 2\(e\)\(i\)](#)

#### *Political Parties, Elections and Referendums Act 2000*

- 7 In paragraph 28(4) of Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (civil sanctions: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

#### **Commencement Information**

- I12** Sch. 10 para. 7 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

#### *Public Finance and Accountability (Scotland) Act 2000 (2000 asp 1)*

- 8 (1) The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.
- (2) In section 26B(3) (voluntary disclosure of data to Audit Scotland) for paragraph (b) substitute—
- “(b) which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”.
- (3) In section 26C(3) (power to require disclosure of data) for paragraph (b) substitute—
- “(b) the disclosure is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

#### **Commencement Information**

- I13** Sch. 10 para. 8 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

#### *Social Security Fraud Act 2001*

- 9 In section 4(1)(b) of the Social Security Fraud Act 2001 (arrangements for payments in relation to persons providing a telecommunications service etc.) for “the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ the Investigatory Powers Act 2016 ”.

#### **Commencement Information**

- I14** Sch. 10 para. 9 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

#### *Social Security Fraud Act (Northern Ireland) 2001*

- 10 In section 4(1)(b) of the Social Security Fraud Act (Northern Ireland) 2001 (arrangements for payments in relation to persons providing a telecommunications

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service etc.) for “the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I15** Sch. 10 para. 10 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Justice (Northern Ireland) Act 2002*

- 11 In section 5A(3)(b) of the Justice (Northern Ireland) Act 2002 (disclosure of information to the Northern Ireland Judicial Appointments Commission) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I16** Sch. 10 para. 11 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Proceeds of Crime Act 2002*

- 12 (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 436(3)(b) (disclosure of information to certain Directors) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (3) In section 438(8)(b) (disclosure of information by certain Directors) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (4) In section 439(3)(b) (disclosure of information to Lord Advocate and to Scottish Ministers) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (5) In section 441(7)(b) (disclosure of information by Lord Advocate and by Scottish Ministers) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I17** Sch. 10 para. 12 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Police Reform Act 2002*

- 13 In paragraph 19ZA(2)(c) of Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc: power to serve information notice) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

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#### Commencement Information

**I18** Sch. 10 para. 13 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

#### *Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426)*

- 14 After regulation 5A(8) of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (personal data breach) insert—

“(9) This regulation does not apply in relation to any personal data breach which is to be notified to the Investigatory Powers Commissioner in accordance with a code of practice made under the Investigatory Powers Act 2016.”

#### Commencement Information

**I19** Sch. 10 para. 14 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

#### *Audit and Accountability (Northern Ireland) Order 2003 (S.I. 2003/418 (N.I. 5))*

- 15 In Article 4C(3)(b) of the Audit and Accountability (Northern Ireland) Order 2003 (voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

#### Commencement Information

**I20** Sch. 10 para. 15 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

#### *Public Audit (Wales) Act 2004*

- 16 In section 64C(3)(b) of the Public Audit (Wales) Act 2004 (voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

#### Commencement Information

**I21** Sch. 10 para. 16 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

#### *Constitutional Reform Act 2005*

- 17 In section 107(3)(b) of the Constitutional Reform Act 2005 (disclosure of information to the Judicial Appointments Commission) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

#### Commencement Information

**I22** Sch. 10 para. 17 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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*Commissioners for Revenue and Customs Act 2005*

- 18 In section 22(b) of the Commissioners for Revenue and Customs Act 2005 (data protection, etc) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I23** Sch. 10 para. 18 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Serious Crime Act 2007*

- 19 (1) The Serious Crime Act 2007 is amended as follows.
- (2) In section 68(4)(b) (disclosure of information to prevent fraud) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.
- (3) In section 85(8)(b) (disclosure of information by Revenue and Customs) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I24** Sch. 10 para. 19 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Legal Services Act 2007*

- 20 In section 169(3)(b) of the Legal Services Act 2007 (disclosure of information to the Legal Services Board) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

**Commencement Information**

**I25** Sch. 10 para. 20 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Regulatory Enforcement and Sanctions Act 2008*

- 21 In section 70(4) of the Regulatory Enforcement and Sanctions Act 2008 (disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I26** Sch. 10 para. 21 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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*Counter-Terrorism Act 2008*

- 22 In section 20(2)(b) of the Counter-Terrorism Act 2008 (disclosure and the intelligence services: supplementary provisions) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I27** Sch. 10 para. 22 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Borders, Citizenship and Immigration Act 2009*

- 23 In section 19(1)(b) of the Borders, Citizenship and Immigration Act 2009 (application of statutory provisions) for “Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23)” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I28** Sch. 10 para. 23 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Marine and Coastal Access Act 2009*

- 24 (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In paragraph 13(5) of Schedule 7 (further provision about civil sanctions under Part 4: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”
- (3) In paragraph 9(5) of Schedule 10 (further provision about fixed monetary penalties under section 142: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I29** Sch. 10 para. 24 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Terrorist Asset-Freezing etc. Act 2010*

<sup>F1</sup>25 .....

**Textual Amendments**

**F1** Sch. 10 para. 25 repealed (31.12.2020) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 64(2), Sch. 3 para. 9 (with ss. 52(3), 53, 58); S.I. 2020/1535, reg. 3(e)



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*Marine (Scotland) Act 2010 (2010 asp 5)*

- 26 In paragraph 12(5) of Schedule 2 to the Marine (Scotland) Act 2010 (further provision about civil sanctions under Part 4: disclosure of information) for paragraph (b) substitute—
- “(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

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**Commencement Information**

**I30** Sch. 10 para. 26 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Charities Act 2011*

- 27 In section 59(b) of the Charities Act 2011 (disclosure: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

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**Commencement Information**

**I31** Sch. 10 para. 27 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Prisons (Interference with Wireless Telegraphy) Act 2012*

- 28 In section 4(6) of the Prisons (Interference with Wireless Telegraphy) Act 2012 (meaning of “telecommunication system”) for “Regulation of Investigatory Powers Act 2000” substitute “ Investigatory Powers Act 2016 (see section 261(13) of that Act) ”.

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**Commencement Information**

**I32** Sch. 10 para. 28 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Crime and Courts Act 2013*

- 29 In paragraph 1(b) of Schedule 7 to the Crime and Courts Act 2013 (information: restrictions on disclosure) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

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**Commencement Information**

**I33** Sch. 10 para. 29 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

*Marine Act (Northern Ireland) 2013 (c. 10 (N.I.))*

- 30 In paragraph 8(5) of Schedule 2 to the Marine Act (Northern Ireland) 2013 (further provision about fixed monetary penalties under section 35: disclosure of information) for paragraph (b) substitute—



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“(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

**Commencement Information**

**I34** Sch. 10 para. 30 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Local Audit and Accountability Act 2014*

- 31 In paragraph 3(3)(b) of Schedule 9 to the Local Audit and Accountability Act 2014 (data matching: voluntary provision of data) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I35** Sch. 10 para. 31 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Anti-social Behaviour, Crime and Policing Act 2014*

- 32 In paragraph 7(4)(b) of Schedule 4 to the Anti-social Behaviour, Crime and Policing Act 2014 (ASB case reviews: information) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I36** Sch. 10 para. 32 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Immigration Act 2014*

- 33 In paragraph 6(b) of Schedule 6 to the Immigration Act 2014 (information) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.

**Commencement Information**

**I37** Sch. 10 para. 33 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

*Data Retention and Investigatory Powers Act 2014*

- 34 Omit sections 4(1), 7 and 8 of the Data Retention and Investigatory Powers Act 2014 (introductory, review and final provisions).

**Commencement Information**

**I38** Sch. 10 para. 34 in force at 27.6.2018 by S.I. 2018/652, reg. 12(g)(iii)

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*Immigration Act 2016*

- 35 In section 7(2)(b) of the Immigration Act 2016 (information gateways: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “ any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ”.

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**Commencement Information**

**I39** Sch. 10 para. 35 in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 12\(g\)\(iii\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)